

**REMARKS**

The Final Office Action mailed February 12, 2008 has been carefully considered. Within the Office Action, Claims 1-5 and 7-15 have been allowed and Claims 6, and 16-19 have been rejected. Within the present reply, Applicant has cancelled Claims 17-19. In addition, Applicant has amended Claim 6. Reconsideration in view of the following remarks is respectfully requested.

**The 35 U.S.C. § 112, First Paragraph Rejection**

Claims 6, 16 and 17-18 were rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was allegedly not described in the specification in such a way as to enable one of ordinary skill in the art to practice the invention. This rejection is respectfully traversed.

Regarding Claim 6, the Applicants have deleted the term “a material having a predetermined constant value” and reintroduced “a High-K material”. In addition the applicants have amended the specification to include a High-K material. Such an amendment is not considered new matter because the term High-K material was originally in claim 6 of the application as filed and thus the specification is being brought in conformance with the originally filed claims. It should be noted that Hi-K was actually changed to High-K based on typographical errors in the originally filed application. Accordingly, High-K was described in the specification at the time of filing and claim 6 is therefore allowable.

With regard to claim 16,  $\text{Si}_3\text{N}_4$  is commonly known as silicon nitride. As shown on page 6 lines 22-26, silicon nitride is expressly described in applicant's specification. The applicant has amended the specification to include the compound formula for silicon nitride and respectfully

submits that the addition of the compound into the specification is not considered new matter..

Accordingly withdrawal of the rejection to claim 16 is respectfully requested and claim 16 is in condition for allowance.

With regard to claims 17-18, the applicants have canceled these claims. Therefore the rejection is now moot.

### **The 35 U.S.C. § 112, Second Paragraph Rejection**

Claims 6 and 17-19 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter applicant regards as the invention. Applicants respectfully traverse.

As stated above, applicants have amended claim 6 to reintroduce the term “High-K material.” One skilled in the art understands that the term High-K material means a material having a high dielectric constant. A search on the internet for High-K (or even Hi-K) would yield several sites (e.g. *Wikipedia*) which explain that the term means a material having a high dielectric constant compared to silicon dioxide, which is used in the semiconductor manufacturing processes which replaces the silicon dioxide gate dielectric. The implementation of high- $\kappa$  gate dielectrics is one of several strategies developed to allow further miniaturization of microelectronic components, colloquially referred to as extending Moore's Law. *See Wikipedia*. Accordingly the term High-K in Claim 6 is a term of art known in the industry and is thus not indefinite and Claim 6 particularly points out and distinctly claims the subject matter that the applicant intends to protect. For at least these reasons claim 6 is allowable and withdrawal of the rejection is respectfully requested.

Conclusion

It is believed that this reply places the above-identified patent application into condition for allowance. Early favorable consideration of this reply is earnestly solicited. If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,  
THELEN REID BROWN RAYSMAN & STEINER LLP

  
\_\_\_\_\_  
Suvashis Bhattacharya

Reg. No. 46,554

Dated: April 14, 2008

THELEN REID BROWN RAYSMAN & STEINER LLP  
P.O. Box 640640  
San Jose, CA 95164-0640  
Tel. (408) 292-5800  
Fax (408) 287-8040